REMARKS

Claims 2-13, 15-32, and 34-44 are remaining in this patent application. Claim 1, 14, and 33 are canceled, and Claims 4, 6, 7, 9, 10, 11, 15-18, 20, 21, 41 and 42 are amended. Applicants respectfully request reconsideration and review of the application in light of the foregoing amendments and following remarks.

At the outset, Applicants acknowledge with appreciation the indication of allowable subject matter in Claims 5, 8, 11-13, 17-20, 27, 29-32 and 36-40. Nevertheless, Applicants previously amended and canceled claims, and paid additional fee, all in reliance on the Examiner's prior indication of allowable subject matter. The current Office Action now withdraws the prior indication of allowability. The Examiner's action has directly increased the pendency and cost associated with this patent application. While Applicants appreciate that this Office Action was made non-final, Applicants object to this piecemeal prosecution of the application and request that the Examiner avoid such unnecessary actions in the future.

The Examiner objected to the drawings as failing to show a "braided or webbing material" for the lift tethers as recited in Claim 14. In the interest of advancing this application to allowance, Applicants have canceled Claim 14. This ground of objection is thereby deemed moot.

The Examiner objected to Claims 4, 6, 7, 9-11, 15-18, 20, and 21 because of certain informalities. While Applicants consider the claims sufficiently clear as previously presented, Applicants have amended these claims as suggested by the Examiner in the interest of advancing this application to allowance. This ground of objection should be withdrawn.

The Examiner also rejected Claims 2-44 under 35 U.S.C. § 112, second paragraph, as indefinite. Specifically, the Examiner identified various instances of indefinite terms. While Applicants consider the claims sufficiently definite as previously presented, Applicants have amended these claims as suggested by the Examiner in the interest of advancing this application to allowance. This ground of rejection should be withdrawn.

Before addressing the merits of the rejections based on prior art, Applicants provide the following brief description of the invention. The present invention is directed to a platform lift apparatus usable to safely move objects to and from an attic storage space. The platform lift apparatus includes three main components: a frame, a drive mechanism, and a platform. The frame has internal and external mounting surfaces, and is adapted to be mounted into a scuttle hole separating an attic space from a room below. The drive mechanism is substantially disposed within the frame and is coupled to the internal mounting surfaces. The drive mechanism includes a plurality of rotatable, parallel shafts with each shaft further including at least one lift drum having an associated lift tether at least partially wound thereon and having an end hanging therefrom. The platform is coupled to the ends of the lift tethers and is thereby suspended from the frame. The platform is selectively movable by operation of the drive mechanism within in a vertical dimension between raised and lowered positions.

The Examiner rejected Claims 4, 16, 21-24 and 35 under 35 U.S.C. § 102(b) as anticipated by Smith et al. Applicants respectfully traverse this ground of rejection.

Smith et al. discloses an apparatus for feeding insulating boards. The apparatus includes an elevator assembly including a platform 20 adapted to raise a plurality of insulating boards. While it has some superficial similarity to the present invention, it should be readily apparent that the Smith et al. apparatus has no applicability to a residential lifting application in which objects are moved between floors. In particular, Smith et al. lacks a "frame" as that term is described in the patent application and defined in the claims. The stationary frame 18 of Smith et al. is a free-standing, open-beam structure that is sufficiently large to contain a supply of insulating boards delivered via forklift. The Smith et al. frame is not adapted to be mounted to an external structure, and thereby lacks any "external mounting surfaces." In this regard, the Smith et al. frame is unsuitable to be "secured to a framed opening between the floors" of a structure, as specifically defined in the claims.

Moreover, Smith et al. fails to suggest or disclose "a drive mechanism substantially disposed within said frame and coupled to said internal mounting surfaces." To the extent that the pulleys 28, 30, 32, 34, shafts 22, 24, and motor 50

provide a "drive mechanism," it is apparent that these components are located on top of, *i.e.*, external to, the frame, and not "substantially disposed within said frame." This aspect of the invention enables the ability of the claimed device to be mounted in a framed opening disposed between floors of a structure, with the drive mechanism substantially enclosed within the frame. Hence, the drive mechanism does not intrude into the space above/below the floor/ceiling, thereby providing an attractive, unobtrusive appearance. The Examiner contends that the Smith et al. drive mechanism is located within the frame by considering the small covers over the pulleys as comprising part of the "frame." But, this construction plainly fails, since these covers neither enclose the drive mechanism nor provides any internal or external mounting surfaces.

For each of the foregoing reasons, it should be apparent that Smith et al. fails to suggest or disclose all limitations of the rejected claims. This ground of rejection should be withdrawn.

The Examiner rejected Claim 6 under 35 U.S.C. § 102(b) as anticipated by Swift. Applicants respectfully traverse this ground of rejection.

Swift discloses a loading and unloading apparatus. Similar to Smith et al., Swift discloses a large, free-standing lifting structure in which a motor drive mechanism is situated on top of a structure. The Swift motor drive mechanism is open and exposed, and lacks any sort of "frame having internal and external mounting surfaces." In this regard, the Swift motor drive mechanism is not "substantially disposed within said frame and coupled to said internal mounting surfaces" as defined in Claim 6. This ground of rejection should be withdrawn.

The Examiner rejected Claim 10 under 35 U.S.C. § 102(b) as anticipated by Berridge. Applicants respectfully traverse this ground of rejection.

Berridge discloses a platform lift for residential applications. Unlike Smith et al. or Swift discussed above, Berridge provides a lift mechanism adapted to move a platform between two floors of a structure. A significant drawback of Berridge, which is solved in the present invention, is that the motor drive mechanism is physically disposed above floor level in a manner that undesirably protrudes into the floor space. Not only is the mechanism unattractive, but it takes up vertical and horizontal space within the

upper level room and thereby reduces the utility of the room. This drawback has prevented the commercial adoption of the Berridge platform lift mechanism in any meaningful manner.

By contrast, the present invention includes a drive mechanism that is contained within a frame that is mounted within the framed opening between floors of the structure. This way, as discussed above, the drive mechanism does not intrude into either the floor space of the upper level or the ceiling space of the lower level. In this regard, Berridge fails to suggest or disclose "a frame having internal and external mounting surfaces, the external mounting surfaces being adapted to be secured within a framed opening between the floors; [and] a drive mechanism substantially disposed within said frame and coupled to said internal mounting surfaces," as defined in Claim 10. To the extent that the housing 28, 54 of Berridge is construed as providing a "frame," it is apparent that the housing extends above the floor level and hence is not "adapted to be secured within a framed opening between the floors." This ground of rejection should be withdrawn.

The Examiner rejected Claims 33, 42, and 44 under 35 U.S.C. § 103(a) as unpatentable over Smith et al. in view of MPEP § 2144.04 IV A. Claim 33 is canceled, so this ground of rejection is now moot. Applicants respectfully traverse this ground of rejection.

Claims 42, 44 depend on Claim 21, which is not suggested or disclosed by Smith et al. for the reasons stated above. Moreover, Claim 42 recites a "frame [having] ... telescoping sections." The "telescoping sections" permit the frame to be fitted to a variety of sized framed openings. This is not simply scaling up or down the invention, as suggested by the Examiner, but is providing a versatile structure that is adaptable for different applications. As discussed above, Smith et al. fails to suggest or disclose a "frame" as defined in the claims, and specifically fails to show a frame adapted to be affixed to a framed opening between floors. Accordingly, there is no teaching or suggestion in Smith et al. to adapt such a "frame" for different sized openings. With respect to Claim 44, Smith et al. fails to suggest or disclose the desirability of "grooves" in the lift drums. This ground of rejection should be withdrawn.

The Examiner rejected Claims 25, 28, and 34 under 35 U.S.C. § 103(a) as unpatentable over Smith et al. and further in view of Swift. Applicants respectfully traverse this ground of rejection.

The Examiner acknowledges that Smith et al. fails to disclose extension idlers, releasable tether fasteners and vertically offset shafts, and proposes the combination with Swift. Nevertheless, both references fail to suggest or disclose a "frame" as that term is described in the patent application and defined in the claims. Hence, the proposed combination fails to make up for this deficiency. This ground of rejection should be withdrawn.

The Examiner rejected Claim 26 under 35 U.S.C. § 103(a) as unpatentable over Smith et al. and further in view of Bishop et al. Applicants respectfully traverse this ground of rejection.

The Examiner acknowledges that Smith et al. fails to disclose the platform having a plurality of vertical walls, and proposes the combination with Bishop et al. Like Smith et al., Bishop et al. fails to disclose a "frame" as defined in the claims. The Examiner refers to Figure 2 of Bishop et al. as disclosing a "frame," but the Bishop et al. "frame" fails to provide external mounting surfaces adapted to be secured to a framed opening, and further fails to contain the motor drive mechanism. As shown in Figure 3 of the reference, the motor drive mechanism is located high above the "frame". Hence, Bishop et al. fails to make up for the deficiencies of Smith et al. This ground of rejection should be withdrawn.

The Examiner rejected Claims 9 and 15 under 35 U.S.C. § 103(a) as unpatentable over Swift. Applicants respectfully traverse this ground of rejection.

As discussed above, the Swift motor drive mechanism is open and exposed, and lacks any sort of "frame having internal and external mounting surfaces." The Examiner erroneously refers to the vertical support structure 50 as providing a "frame." This construction of Swift plainly fails because the support structure 50 does not "fixedly engage an opening fixedly engage an opening provided in a horizontal supporting surface" as defined in Claim 9. The support structure 50 merely provides support for the platform on which the motor drive mechanism is located. In fact, the structure does

not "fixedly engage" any opening. Even if it could be construed as providing such engagement, the Swift motor drive mechanism is not "substantially disposed within said frame and coupled to said internal mounting surfaces" as defined in Claims 9 and 15. This ground of rejection should be withdrawn.

The Examiner rejected Claims 2, 3, 7, 14, 41 and 43 under 35 U.S.C. § 103(a) as unpatentable over Hughes in view of Bishop et al. Claim 14 is canceled, so this ground of rejection is now moot. Applicants respectfully traverse this ground of rejection.

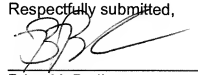
Hughes is similar to Berridge in disclosing a lift mechanism adapted to move a platform between two floors of a structure. As with Berridge, Hughes discloses the motor drive mechanism physically disposed above floor level in a manner that undesirably protrudes into the floor space. Not only is the mechanism unattractive, but it takes up vertical and horizontal space within the upper level room and thereby reduces the utility of the room. This drawback has prevented the commercial adoption of the Hughes platform lift mechanism in any meaningful manner.

With respect to Claim 7, Hughes fails to suggest or disclose "a frame having internal and external mounting surfaces, the external mounting surfaces being adapted to fixedly engage an opening provided in a horizontal supporting surface; [and] a drive mechanism substantially disposed within said frame and coupled to said internal mounting surfaces." The Hughes drive mechanism is not disposed within a frame. Bishop et al. fails to make up for these deficiencies of Hughes. Claims 2, 3, 41, and 43 depend on Claim 7, which is not suggested or disclosed by Hughes and Bishop et al. for the reasons stated above. This ground of rejection should be withdrawn.

Thus, the Applicants respectfully submit that Claims 2-13, 15-32, and 34-44 are in condition for allowance. Reconsideration and withdrawal of the rejections is respectfully requested, and a timely Notice of Allowability is solicited. If it would be helpful to placing this application in condition for allowance, the Applicants encourage the Examiner to contact the undersigned counsel and conduct a telephonic interview.

While Applicants believe that no fee is due, the Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0639.

Respectfully submitted,



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